

**ASSEMBLY BILL**

**No. 2552**

**Introduced by Assembly Member Leno**

February 20, 2004

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An act to amend Sections 4980.02, 4980.40, 4980.43, 4980.44, and 4987.7 of, to amend the heading of Chapter 13 (commencing with Section 4980) of Division 2 of, and to amend the heading of Article 6 (commencing with Section 4987.5) of Chapter 13 of Division 2 of, the Business and Professions Code, relating to marriage and family therapy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2552, as introduced, Leno. Marriage and family therapy.

Under existing law, the Board of Behavioral Sciences is responsible for licensing and regulating the practice of marriage and family therapy. Under existing law, the practice of marriage and family therapy includes the application of certain therapy principles and methods.

This bill would include the use, application, and integration of specified coursework and training among those principles and methods.

Existing law requires an applicant for a license to practice marriage and family therapy to pass a board administered written examination or oral examination, and specifies that an applicant who passed a previously administered written examination may be required to take and pass another written examination.

This bill would instead require an applicant who has not taken and passed an oral examination to take and pass a written clinical vignette examination.

Existing law requires an intern who is employed or volunteering in a private practice to be under the direct supervision of a licensee who is employed and practices at the same site as the intern's employer.

This bill would in addition authorize an intern to be supervised by a licensee who is an owner or shareholder of the private practice. The bill would also authorize a supervisor to arrange for alternative supervision during the supervisor's vacation or sick leave, if certain requirements are met.

Existing law requires an unlicensed marriage and family therapist intern who performs professional services to inform each client or patient that he or she is unlicensed and under the supervision of specified licensees, including a licensed physician and surgeon who has completed a residency in psychiatry and meets additional requirements.

This bill would delete this licensee from the list of authorized supervising licensees.

Existing law requires the name of a marriage and family therapy corporation to contain one or more of certain words, including "counseling," "counselor," or "therapist."

This bill would in addition authorize the use of the word "therapy" in a marriage and family therapy corporation's name.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Chapter 13 (commencing with  
2 Section 4980) of Division 2 of the Business and Professions Code  
3 is amended to read:

4  
5 CHAPTER 13. MARRIAGE, ~~FAMILY AND CHILD COUNSELORS~~ AND  
6 FAMILY THERAPISTS  
7

8 SEC. 2. Section 4980.02 of the Business and Professions  
9 Code is amended to read:

10 4980.02. For the purposes of this chapter, the practice of  
11 marriage and family therapy shall mean that service performed  
12 with individuals, couples, or groups wherein interpersonal  
13 relationships are examined for the purpose of achieving more  
14 adequate, satisfying, and productive marriage and family

1 adjustments. This practice includes relationship and premarriage  
2 counseling.

3 The application of marriage and family therapy principles and  
4 methods includes, but is not limited to, the use of applied  
5 psychotherapeutic techniques, to enable individuals to mature and  
6 grow within marriage and the family, ~~and~~ the provision of  
7 explanations and interpretations of the psychosexual and  
8 psychosocial aspects of relationships, *and the use, application,*  
9 *and integration of the coursework and training required by*  
10 *Sections 4980.37, 4980.40, and 4980.41.*

11 SEC. 3. Section 4980.40 of the Business and Professions  
12 Code is amended to read:

13 4980.40. To qualify for a license, an applicant shall have all  
14 the following qualifications:

15 (a) Applicants applying for licensure on or after January 1,  
16 1988, shall possess a doctor's or master's degree in marriage,  
17 family, and child counseling, marital and family therapy,  
18 psychology, clinical psychology, counseling psychology, or  
19 counseling with an emphasis in either marriage, family, and child  
20 counseling or marriage and family therapy, obtained from a  
21 school, college, or university accredited by the Western  
22 Association of Schools and Colleges, or approved by the Bureau  
23 for Private Postsecondary and Vocational Education. The board  
24 has the authority to make the final determination as to whether a  
25 degree meets all requirements, including, but not limited to, course  
26 requirements regardless of accreditation or approval. For purposes  
27 of this chapter, the term "approved by the Bureau for Private  
28 Postsecondary and Vocational Education" shall mean  
29 unconditional approval existing at the time of the applicant's  
30 graduation from the school, college, or university. In order to  
31 qualify for licensure pursuant to this subdivision, any doctor's or  
32 master's degree program shall be a single, integrated program  
33 primarily designed to train marriage and family therapists and  
34 shall contain no less than 48 semester or 72 quarter units of  
35 instruction. The instruction shall include no less than 12 semester  
36 units or 18 quarter units of coursework in the areas of marriage,  
37 family, and child counseling, and marital and family systems  
38 approaches to treatment.

39 The coursework shall include all of the following areas:

1 (1) The salient theories of a variety of psychotherapeutic  
2 orientations directly related to marriage and family therapy, and  
3 marital and family systems approaches to treatment.

4 (2) Theories of marriage and family therapy and how they can  
5 be utilized in order to intervene therapeutically with couples,  
6 families, adults, children, and groups.

7 (3) Developmental issues and life events from infancy to old  
8 age and their effect upon individuals, couples, and family  
9 relationships. This may include coursework that focuses on  
10 specific family life events and the psychological,  
11 psychotherapeutic, and health implications that arise within  
12 couples and families, including, but not limited to, childbirth,  
13 child rearing, childhood, adolescence, adulthood, marriage,  
14 divorce, blended families, stepparenting, and geropsychology.

15 (4) A variety of approaches to the treatment of children.

16 The board shall, by regulation, set forth the subjects of  
17 instruction required in this subdivision.

18 (b) (1) In addition to the 12 semester or 18 quarter units of  
19 coursework specified above, the doctor's or master's degree  
20 program shall contain not less than six semester or nine quarter  
21 units of supervised practicum in applied psychotherapeutic  
22 techniques, assessment, diagnosis, prognosis, and treatment of  
23 premarital, couple, family, and child relationships, including  
24 dysfunctions, healthy functioning, health promotion, and illness  
25 prevention, in a supervised clinical placement that provides  
26 supervised fieldwork experience within the scope of practice of a  
27 marriage and family therapist.

28 (2) For applicants who enrolled in a degree program on or after  
29 January 1, 1995, the practicum shall include a minimum of 150  
30 hours of face-to-face experience counseling individuals, couples,  
31 families, or groups.

32 (3) (A) Supervised practicum hours, as specified in this  
33 subdivision, shall be evaluated, accepted, and credited as hours for  
34 trainee experience by the board.

35 (B) The practicum hours shall be considered as part of the 48  
36 semester or 72 quarter unit requirement.

37 (c) As an alternative to meeting the qualifications specified in  
38 subdivision (a), the board shall accept as equivalent degrees, those  
39 master's or doctor's degrees granted by educational institutions

1 whose degree program is approved by the Commission on  
2 Accreditation for Marriage and Family Therapy Education.

3 (d) All applicants shall, in addition, complete the coursework  
4 or training specified in Section 4980.41.

5 (e) All applicants shall be at least 18 years of age.

6 (f) All applicants shall have at least two years' experience that  
7 meets the requirements of this chapter in interpersonal  
8 relationships, marriage and family therapy and psychotherapy  
9 under the supervision of a licensed marriage and family therapist,  
10 licensed clinical social worker, licensed psychologist, or a licensed  
11 physician certified in psychiatry by the American Board of  
12 Psychiatry and Neurology. Experience shall not be gained under  
13 the supervision of an individual who has provided therapeutic  
14 services to that applicant. For those supervisorial relationships in  
15 effect on or before December 31, 1988, and which remain in  
16 continuous effect thereafter, experience may be gained under the  
17 supervision of a licensed physician who has completed a residency  
18 in psychiatry. Any person supervising another person pursuant to  
19 this subdivision shall have been licensed or certified for at least  
20 two years prior to acting as a supervisor, shall have a current and  
21 valid license that is not under suspension or probation, and shall  
22 meet the requirements established by regulations.

23 (g) The applicant shall pass a board administered written or  
24 oral ~~examination~~ examinations or both *types of* examinations. An  
25 applicant who has successfully passed a ~~previously administered~~  
26 written examination ~~may be subsequently and who has not taken~~  
27 ~~and passed an oral examination shall be~~ required to take and pass  
28 ~~another written~~ a written clinical vignette examination.

29 (h) The applicant shall not have committed acts or crimes  
30 constituting grounds for denial of licensure under Section 480.  
31 The board shall not issue a registration or license to any person  
32 who has been convicted of any crime in this or another state or in  
33 a territory of the United States that involves sexual abuse of  
34 children or who is required to register pursuant to Section 290 of  
35 the Penal Code or the equivalent in another state or territory.

36 (i) (1) An applicant applying for intern registration who, prior  
37 to December 31, 1987, met the qualifications for registration, but  
38 who failed to apply or qualify for intern registration may be  
39 granted an intern registration if the applicant meets all of the  
40 following criteria:

1 (A) The applicant possesses a doctor's or master's degree in  
2 marriage, family, and child counseling, marital and family  
3 therapy, psychology, clinical psychology, counseling psychology,  
4 counseling with an emphasis in marriage, family, and child  
5 counseling, or social work with an emphasis in clinical social work  
6 obtained from a school, college, or university currently conferring  
7 that degree that, at the time the degree was conferred, was  
8 accredited by the Western Association of Schools and Colleges,  
9 and where the degree conferred was, at the time it was conferred,  
10 specifically intended to satisfy the educational requirements for  
11 licensure by the Board of Behavioral Sciences.

12 (B) The applicant's degree and the course content of the  
13 instruction underlying that degree have been evaluated by the chief  
14 academic officer of a school, college, or university accredited by  
15 the Western Association of Schools and Colleges to determine the  
16 extent to which the applicant's degree program satisfies the current  
17 educational requirements for licensure, and the chief academic  
18 officer certifies to the board the amount and type of instruction  
19 needed to meet the current requirements.

20 (C) The applicant completes a plan of instruction that has been  
21 approved by the board at a school, college, or university accredited  
22 by the Western Association of Schools and Colleges that the chief  
23 academic officer of the educational institution has, pursuant to  
24 subparagraph (B), certified will meet the current educational  
25 requirements when considered in conjunction with the original  
26 degree.

27 (2) A person applying under this subdivision shall be  
28 considered a trainee, as that term is defined in Section 4980.03,  
29 once he or she is enrolled to complete the additional coursework  
30 necessary to meet the current educational requirements for  
31 licensure.

32 (j) An applicant for licensure trained in an educational  
33 institution outside the United States shall demonstrate to the  
34 satisfaction of the board that he or she possesses a qualifying  
35 degree that is equivalent to a degree earned from a school, college,  
36 or university accredited by the Western Association of Schools and  
37 Colleges, or approved by the Bureau of Private Postsecondary and  
38 Vocational Education. These applicants shall provide the board  
39 with a comprehensive evaluation of the degree performed by a  
40 foreign credential evaluation service that is a member of the



1 National Association of Credential Evaluation Services  
2 (NACES), and shall provide any other documentation the board  
3 deems necessary.

4 SEC. 4. Section 4980.43 of the Business and Professions  
5 Code is amended to read:

6 4980.43. (a) For all applicants, a minimum of two calendar  
7 years of supervised experience is required, which experience shall  
8 consist of 3,000 hours obtained over a period of not less than 104  
9 weeks. Not less than 1,500 hours of experience shall be gained  
10 subsequent to the granting of the qualifying master's or doctor's  
11 degree. For those applicants who enroll in a qualifying degree  
12 program on or after January 1, 1995, not more than 750 hours of  
13 counseling and direct supervisor contact may be obtained prior to  
14 the granting of the qualifying master's or doctor's degree.  
15 However, this limitation shall not be interpreted to include  
16 professional enrichment activities. Except for personal  
17 psychotherapy hours gained after enrollment and commencement  
18 of classes in a qualifying degree program, no hours of experience  
19 may be gained prior to becoming a trainee. All experience shall be  
20 gained within the six years immediately preceding the date the  
21 application for licensure was filed, except that up to 500 hours of  
22 clinical experience gained in the supervised practicum required by  
23 subdivision (b) of Section 4980.40 shall be exempt from this  
24 six-year requirement.

25 (b) All applicants, trainees, and registrants shall be at all times  
26 under the supervision of a supervisor who shall be responsible for  
27 ensuring that the extent, kind, and quality of counseling performed  
28 is consistent with the training and experience of the person being  
29 supervised, and who shall be responsible to the board for  
30 compliance with all laws, rules, and regulations governing the  
31 practice of marriage and family therapy. Experience shall be  
32 gained by interns and trainees either as an employee or as a  
33 volunteer in any allowable work setting specified in this chapter.  
34 The requirements of this chapter regarding gaining hours of  
35 experience and supervision are applicable equally to employees  
36 and volunteers. Experience shall not be gained by interns or  
37 trainees as an independent contractor.

38 (c) Supervision shall include at least one hour of direct  
39 supervisor contact for each week of experience claimed. A trainee  
40 shall receive an average of at least one hour of direct supervisor



1 contact for every five hours of client contact in each setting. A  
2 person gaining postdegree experience shall receive an average of  
3 at least one hour of direct supervisor contact for every 10 hours of  
4 client contact in each setting in which experience is gained. For  
5 purposes of this section, “one hour of direct supervisor contact”  
6 means one hour of face-to-face contact on an individual basis or  
7 two hours of face-to-face contact in a group of not more than eight  
8 persons. The contact may be counted toward the experience  
9 requirement for licensure, up to the maximum permitted by  
10 subdivision (d). All experience gained by a trainee shall be  
11 monitored by the supervisor as specified by regulation. The 5-to-1  
12 and 10-to-1 ratios specified in this subdivision shall be applicable  
13 to all hours gained on or after January 1, 1995.

14 (d) (1) The experience required by Section 4980.40 shall  
15 include supervised marriage and family therapy, and up to  
16 one-third of the hours may include direct supervisor contact and  
17 other professional enrichment activities.

18 (2) “Professional enrichment activities,” for the purposes of  
19 this section, may include group, marital or conjoint, family, or  
20 individual psychotherapy received by an applicant. This  
21 psychotherapy may include up to 100 hours taken subsequent to  
22 enrolling and commencing classes in a qualifying degree program,  
23 or as an intern, and each of those hours shall be triple counted  
24 toward the professional experience requirement. This  
25 psychotherapy shall be performed by a licensed marriage and  
26 family therapist, licensed clinical social worker, licensed  
27 psychologist, licensed physician certified in psychiatry by the  
28 American Board of Psychiatry and Neurology, or a licensed  
29 physician who has completed a residency in psychiatry.

30 (e) (1) A trainee may gain the experience required by  
31 subdivision (f) of Section 4980.40 in any setting that meets all of  
32 the following:

33 (A) Lawfully and regularly provides mental health counseling  
34 or psychotherapy.

35 (B) Provides oversight to ensure that the trainee’s work at the  
36 setting meets the experience and supervision requirements set  
37 forth in this chapter and is within the scope of practice for the  
38 profession as defined in Section 4980.02.

39 (C) Is not a private practice owned by a licensed marriage and  
40 family therapist, a licensed psychologist, a licensed clinical social



1 worker, a licensed physician and surgeon, or a professional  
2 corporation of any of those licensed professions.

3 (2) Experience may be gained by the trainee solely as part of the  
4 position for which the trainee volunteers or is employed.

5 (f) (1) An intern may gain the experience required by  
6 subdivision (f) of Section 4980.40 in any setting that meets both  
7 of the following:

8 (A) Lawfully and regularly provides mental health counseling  
9 or psychotherapy.

10 (B) Provides oversight to ensure that the intern's work at the  
11 setting meets the experience and supervision requirements set  
12 forth in this chapter and is within the scope of practice for the  
13 profession as defined in Section 4980.02.

14 (2) An applicant shall not be employed or volunteer in a private  
15 practice, as defined in subparagraph (C) of paragraph (1) of  
16 subdivision (e), until registered as an intern.

17 (3) While an intern may be either a paid employee or a  
18 volunteer, employers are encouraged to provide fair remuneration  
19 to interns.

20 (4) ~~An~~ *Except for periods of time during a supervisor's*  
21 *vacation or sick leave, an intern who is employed or volunteering*  
22 *in private practice shall be under the direct supervision of a*  
23 *licensee enumerated in subdivision (f) of Section 4980.40* ~~who~~.  
24 *The supervising licensee shall either be employed by and practice*  
25 *at the same site as the intern's employer, or shall be an owner or*  
26 *shareholder of the private practice. Alternative supervision may be*  
27 *arranged during a supervisor's vacation or sick leave if the*  
28 *supervision meets the requirements of this section.*

29 (5) Experience may be gained by the intern solely as part of the  
30 position for which the intern volunteers or is employed.

31 (g) All persons shall register with the board as an intern in order  
32 to be credited for postdegree hours of experience gained toward  
33 licensure, regardless of the setting where those hours are to be  
34 gained. Except as provided in subdivision (h), all postdegree hours  
35 shall be gained as a registered intern.

36 (h) Except when employed in a private practice setting, all  
37 postdegree hours of experience shall be credited toward licensure  
38 so long as the applicant applies for the intern registration within 90  
39 days of the granting of the qualifying master's or doctor's degree  
40 and is thereafter granted the intern registration by the board.

1 (i) Trainees, interns, and applicants shall not receive any  
2 remuneration from patients or clients, and shall only be paid by  
3 their employers.

4 (j) Trainees, interns, and applicants shall only perform services  
5 at the place where their employers regularly conduct business,  
6 which may include performing services at other locations, so long  
7 as the services are performed under the direction and control of  
8 their employer and supervisor, and in compliance with the laws  
9 and regulations pertaining to supervision. Trainees and interns  
10 shall have no proprietary interest in the employer's business.

11 (k) Trainees, interns, or applicants who provide volunteered  
12 services or other services, and who receive no more than a total,  
13 from all work settings, of five hundred dollars (\$500) per month  
14 as reimbursement for expenses actually incurred by those trainees,  
15 interns, or applicants for services rendered in any lawful work  
16 setting other than a private practice shall be considered an  
17 employee and not an independent contractor. The board may audit  
18 applicants who receive reimbursement for expenses, and the  
19 applicants shall have the burden of demonstrating that the  
20 payments received were for reimbursement of expenses actually  
21 incurred.

22 (l) Each educational institution preparing applicants for  
23 licensure pursuant to this chapter shall consider requiring, and  
24 shall encourage, its students to undergo individual, marital or  
25 conjoint, family, or group counseling or psychotherapy, as  
26 appropriate. Each supervisor shall consider, advise, and encourage  
27 his or her interns and trainees regarding the advisability of  
28 undertaking individual, marital or conjoint, family, or group  
29 counseling or psychotherapy, as appropriate. Insofar as it is  
30 deemed appropriate and is desired by the applicant, the  
31 educational institution and supervisors are encouraged to assist the  
32 applicant in locating that counseling or psychotherapy at a  
33 reasonable cost.

34 SEC. 5. Section 4980.44 of the Business and Professions  
35 Code is amended to read:

36 4980.44. (a) An unlicensed marriage and family therapist  
37 intern employed under this chapter shall:

38 (1) Have earned at least a master's degree as specified in  
39 Section 4980.40.

1 (2) Be registered with the board prior to the intern performing  
2 any duties, except as otherwise provided in subdivision (e) of  
3 Section 4980.43.

4 (3) File for renewal of registration annually for a maximum of  
5 five years after initial registration with the board. Renewal of  
6 registration shall include filing an application for renewal, paying  
7 a renewal fee of seventy-five dollars (\$75), and notifying the board  
8 whether he or she has been convicted, as defined in Section 490,  
9 of a misdemeanor or felony, or whether any disciplinary action has  
10 been taken by any regulatory or licensing board in this or any other  
11 state, subsequent to the issuance of the initial registration or the  
12 registrant's last renewal.

13 (4) Inform each client or patient prior to performing any  
14 professional services that he or she is unlicensed and under the  
15 supervision of a licensed marriage and family therapist, licensed  
16 clinical social worker, licensed psychologist, *or a* licensed  
17 physician *and surgeon* certified in psychiatry by the American  
18 Board of Psychiatry and Neurology, ~~or a licensed physician who~~  
19 ~~has completed a residency in psychiatry and who is described in~~  
20 ~~subdivision (f) of Section 4980.40, whichever is applicable.~~  
21 *Continued.*

22 (5) *Continued* employment as an unlicensed marriage and  
23 family therapist intern shall cease after six years unless the  
24 requirements of subdivision (b) are met. No registration shall be  
25 renewed or reinstated beyond the six years from initial issuance  
26 regardless of whether it has been revoked.

27 (b) When no further renewals are possible, ~~either because the~~  
28 ~~applicant has exhausted the number of renewals available or~~  
29 ~~because of the repeal of Section 4980.44, as amended by Chapter~~  
30 ~~1114 of the Statutes of 1991,~~ an applicant may apply for and obtain  
31 new intern registration status if the applicant meets the educational  
32 requirements for registration in effect at the time of the application  
33 for a new intern registration. An applicant who is issued a  
34 subsequent intern registration pursuant to this subdivision may be  
35 employed or volunteer in ~~all~~ *any* allowable work ~~settings~~ *setting*  
36 except in private practice.

37 SEC. 6. The heading of Article 6 (commencing with Section  
38 4987.5) of Chapter 13 of Division 2 of the Business and  
39 Professions Code is amended to read:

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1 Article 6. ~~Marriage, Family, and Child Counseling~~ and  
2 *Family Therapy Corporations*

3 SEC. 7. Section 4987.7 of the Business and Professions Code  
4 is amended to read:

5 4987.7. The name of a marriage and family therapy  
6 corporation shall contain one or more of the words “marriage,”  
7 “family,” ~~and~~ or “child” together with one or more of the words  
8 “counseling,” “counselor,” “*therapy*,” or “therapist,” and  
9 wording or abbreviations denoting corporate existence. A  
10 marriage and family therapy corporation that conducts business  
11 under a fictitious business name shall not use any name that is  
12 false, misleading or deceptive, and shall inform the patient, prior  
13 to the commencement of treatment, that the business is conducted  
14 by a marriage and family therapy corporation.

